

No. 3544-3Lab-78/1738.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Uttar Bharat Neel Udyog, Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 121 of 1977

*between*

SHRI TRIBHUVAN PARSHAD, WORKMAN AND THE MANAGEMENT OF M/SUTTAR BHARAT  
NEEL UDYOG, BAHADURGARH

#### AWARD

By order No. ID/RK/354-77/46477, dated 24th October, 1977, the Governor of Haryana referred the following dispute between the management of M/s Uttar Bharat Neel Udyog, Bahadurgarh, and its workman Shri Tribhuvan Parshad to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Tribhuvan Parshad was justified and in order?  
If, not, to what relief is he entitled?

The parties put in their appearance in this Court on 30th January, 1978, in response to the usual notices of reference sent to them and the case was adjourned to 14th March, 1978 for filing of the written statement by the management of the claim statement filed by the workman on the former date.

Shri Rajinder Dahiya, authorised representative of the workman concerned, made a statement before me on 14th March, 1978, the date of hearing fixed in the case, that the demand of the later had been fully satisfied,—*vide* mutual amicable settlement entered into between the parties and the same be treated now as withdrawn.

It would thus appear that the demand of the workman has been satisfied and there is now no dispute between the parties requiring adjudication. I hold accordingly and answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Dated the 14th March, 1978

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 734, dated the 17th March, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 3535-3Lab-78/1740.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s R. S. Electronics, Industrial Area Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 174 of 1977

*between*

SHRI ABDUL SATTAR, WORKMAN AND THE MANAGEMENT OF M/S R. S.  
ELECTRONICS, INDUSTRIAL AREA, BAHADURGARH

## AWARD

By order No. ID/RK/461-77/52199, dated 22nd December, 1977, the Governor of Haryana referred the following dispute between the management of M/s R. S. Electronics, Industrial Area, Bahadurgarh and its workman Shri Abdul Sattar, to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Abdul Sattar was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Court on 20th February, 1978, in response to the usual notices of reference sent to them. The case was adjourned to 14th March, 1978, for filing of the written statement by the management of the claim statement filed by the workman concerned on 20th February, 1978.

Whereas Shri Harish Aggarwal, authorised representative of the management, put in his appearance on 14th March, 1978, the fixed date of hearing, neither the workman nor his authorised representative appeared on that date with the result that *ex-parte* proceedings were taken up against him. The management brought on record settlement Ex. M-I where by the workman was alleged to have received Rs 290 in cash from them on 1st March, 1978, in full and final satisfaction of the demand leading to the reference.

Shri Harish Aggarwal, authorised representative of the management, appearing as a witness proved the correctness of the settlement Ex. M-I while deposing that the workman concerned settled the demand leading to the reference in his presence,—*vide* settlement Ex. M-I and that there was now no dispute between the parties.

I see no reasons to disbelieve the statement of Shri Harish Aggarwal particularly when the proceedings against the workman concerned are *ex-parte* and he has taken no care to pursue the demand raised by him on the management leading to the reference and it is found corroborated by the documentary evidence. I, therefore, relying on the statement of Shri Harish Aggarwal, Advocate, Bahadurgarh, hold that the demand raised by the workman on the management has since been fully satisfied,—*vide* written settlement Ex. M-I and there is now no dispute between the parties requiring adjudication. I accordingly answer the reference while returning the award in these terms.

Dated the 14th March, 1978

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 736, dated the 17th March, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

The 6th March, 1978

No. 1897-3Lab-78/1402.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Ameteeep Machine Tools (P) Ltd., Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 58 of 1977

between

SHRI MOHINDER SINGH WORKMAN AND THE MANAGEMENT OF M/S AMETEEEP MACHINE TOOLS (P) LTD., FARIDABAD

## AWARD

By order No. ID/FD/235-77/22994, dated 13th May, 1977, the Governor of Haryana referred the following dispute between the management of M/s Ameteeep Machine Tools (P) Ltd., Faridabad and its workman Shri Mohinder Singh to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Mohinder Singh was justified and in order ? If not, to what relief is he entitled ?



The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings.

The workman filed his claim statement in conformity with the notice of demand, dated 31st March, 1977, served by him on the management concerned with the allegations that he was ordered to be reinstated in service w.e.f. 31st December, 1970, with continuity of service and full back wages,—vide award of Labour Court, Haryana, dated 2nd March, 1972, published in *Haryana Government Gazette*, dated 31st March, 1972 and that the management having taken him on duty in implementation of the award, they again terminated his services illegally w.e.f. 21st October, 1976 and that he was as such entitled to reinstatement with continuity of service and full back wages from that date.

The management while admitting the award dated 2nd March, 1972, ordering the reinstatement of the workman with continuity of service and full back wages, and their taking him on duty in compliance with the award, denied other allegations and pleaded that he absented himself from duty w.e.f. 21st October, 1976, after lunch and did not resume duty thereafter despite letters, dated 27th October, 1976, 30th October, 1976, 2nd November, 1976 and 3rd November, 1976 and telegram, dated 1st November, 1976, sent to him to do so and that his name has thus to be struck off the rolls as a result of his long absence from 21st October 1976 to 10th November, 1976. They stated that the workman concerned had been gainfully employed after 21st October, 1976, on wage higher than he was receiving from them @ Rs. 385 per mensem and that the reference made under section 2(a) of the Industrial Disputes Act was bad in law for reasons of the absence of the workman from duty and his demand having not been espoused by a substantial number of workmen.

The following issues were thus framed by me,—vide my order, dated 12th December, 1977, on pleas of the parties :—

1. Whether the workman abandoned his job voluntarily by way of absenting himself from duty w.e.f. 21st October, 1976 ?
2. Whether the name of the workman had to be struck off by the management concerned due to his long willful and unauthorised absence from 21st October, 1976 to 10th November, 1976 ?
3. Whether the reference is bad in law for the reasons stated in paragraph number 1 and 2 of the preliminary objections ?
4. Whether the workman remained gainfully employed till the period after 21st October, 1976; if so, to what effect ?
5. In case of non-proof of issue No. 1, 2 and 3, whether the termination of services of Shri Mohinder Singh was justified and in order ? If not, to what relief is he entitled ?

The management brought on record copy of letter, dated 27th October, 1976, Exhibit M-9, copy of letter, dated 30th October, 1976, Exhibit M-7, copy of the telegram, dated 1st November, 1976, Exhibit M-13, copy of letter dated 2nd November, 1976, Exhibit M-14, and copy of letter, dated 10th November, 1976, Exhibit M-18, in support of their plea that they had been calling upon the workman concerned to resume duty time and again after he had absented himself voluntarily without their permission and that he failed to do so and that they had finally to strike his name from the rolls of their employees and informed him of the same,—vide letter copy Exhibit M-18. They produced postal receipts M-19, M-15, M-12, M-10 and M-8 in support of the statement relating to the letters allegedly sent by them to the workman concerned through registered post. Shri D. S. Chaudhry their Personnel Officer, MW-1, the sole witness examined by them further produced copy M-20 of the comments submitted by them before the Conciliation Officer in reply to the demand of the workman leading to the reference, besides the report of the Conciliation Officer, M-21 and copy of the attendance register of their employees, Exhibit M-24, showing the plea of absence of the workman from duty w.e.f. 21st October, 1976 taken by them before the Conciliation Officer and his being marked as absent from duty w.e.f. 21st October, 1976 in the attendance register.

The workman failed to appear on 9th February, 1978, the date of hearing fixed in the case for recording his rebuttal and his authorised representative Shri Bhim Singh Yadav made a statement that he had no instructions from him. The evidence of the workman had thus to be closed unavoidably under the circumstances.

It would appear that the overwhelming evidence oral and documentary led by the management remained unrebutted and there is nothing on record leading me to disbelieve the statement of Shri D. S. Chaudhary particularly when it is found corroborated by the documentary evidence consisting of the registered letters sent to the workman, postal receipts, copy of telegram and attendance register of the employees of the management. I, therefore, relying on the same hold that this is a case of abandonment of the job by the workman concerned voluntarily by way of his absence from duty from 21st October, 1976 to 10th November, 1976 and that his name had to be struck off the rolls by the management concerned as a result of his willful and unauthorised absence from duty during the aforesaid period. I, therefore, decide issue No. 1 to 3 in favour of the management and do not consider it necessary to give findings on issue No. 4. As a result of my findings on issue No. 1 to 3 the workman is obviously not entitled to any relief. I hold accordingly and answer the reference while returning the award in these terms.

Dated the 10th February, 1978.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 457, dated 17th February, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 4 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

G.V. GUPTA, Secy.